

Digitized by the Internet Archive
in 2010 with funding from
Lyrasis Members and Sloan Foundation

CATALOGUE

OF THE

LAW SCHOOL

OF

Cumberland University,

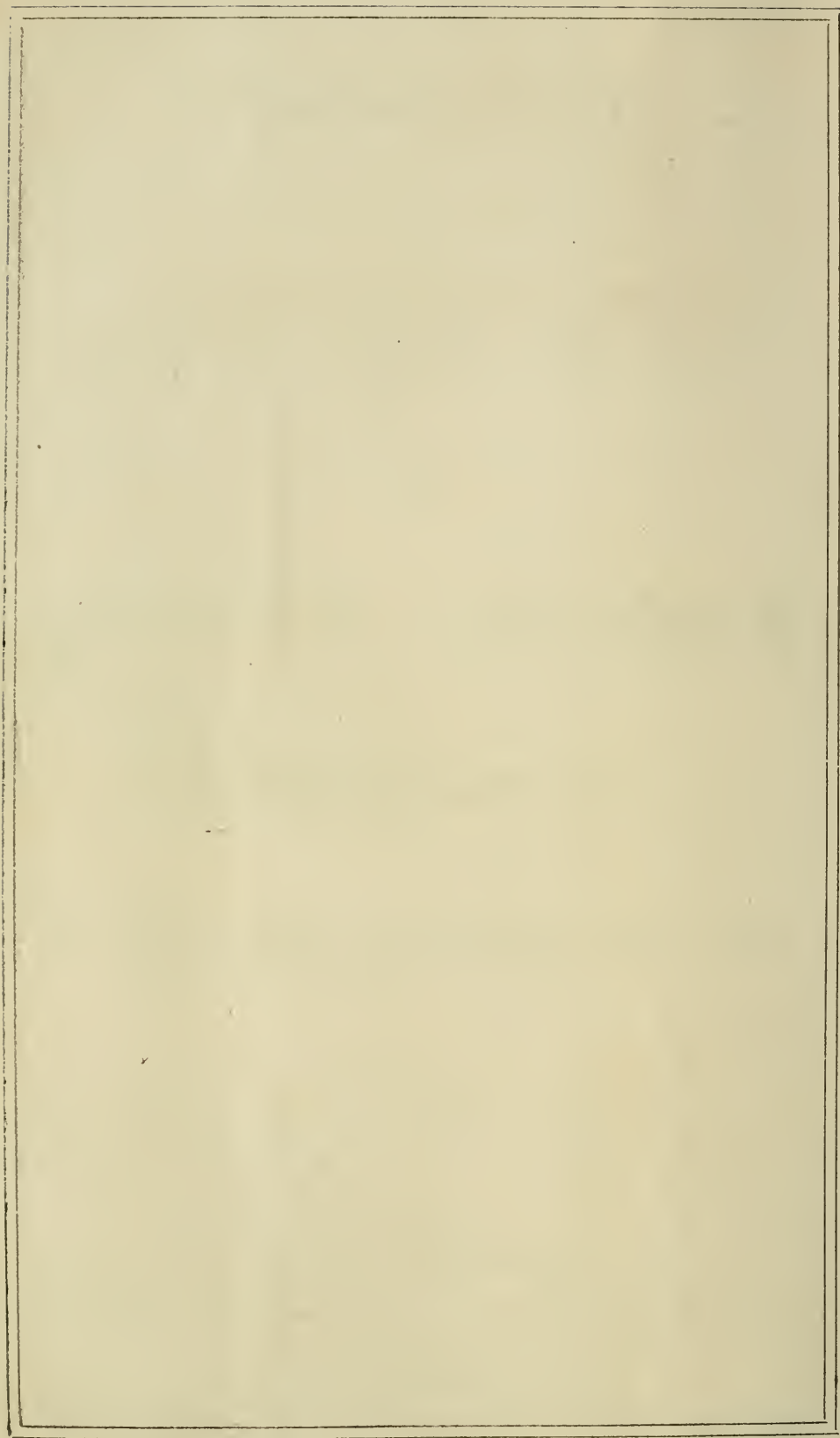
AT LEBANON, TENN.,

FOR THE ACADEMIC YEAR 1867-68.

LEBANON, TENN.:

PRINTED BY JONES, HAYS & CO., UNION AND DISPATCH OFFICE, NASHVILLE, TENN.

1868.



LAW DEPARTMENT.

FACULTY.

B. W. McDONNOLD, D.D., PRES.

PROFESSORS:

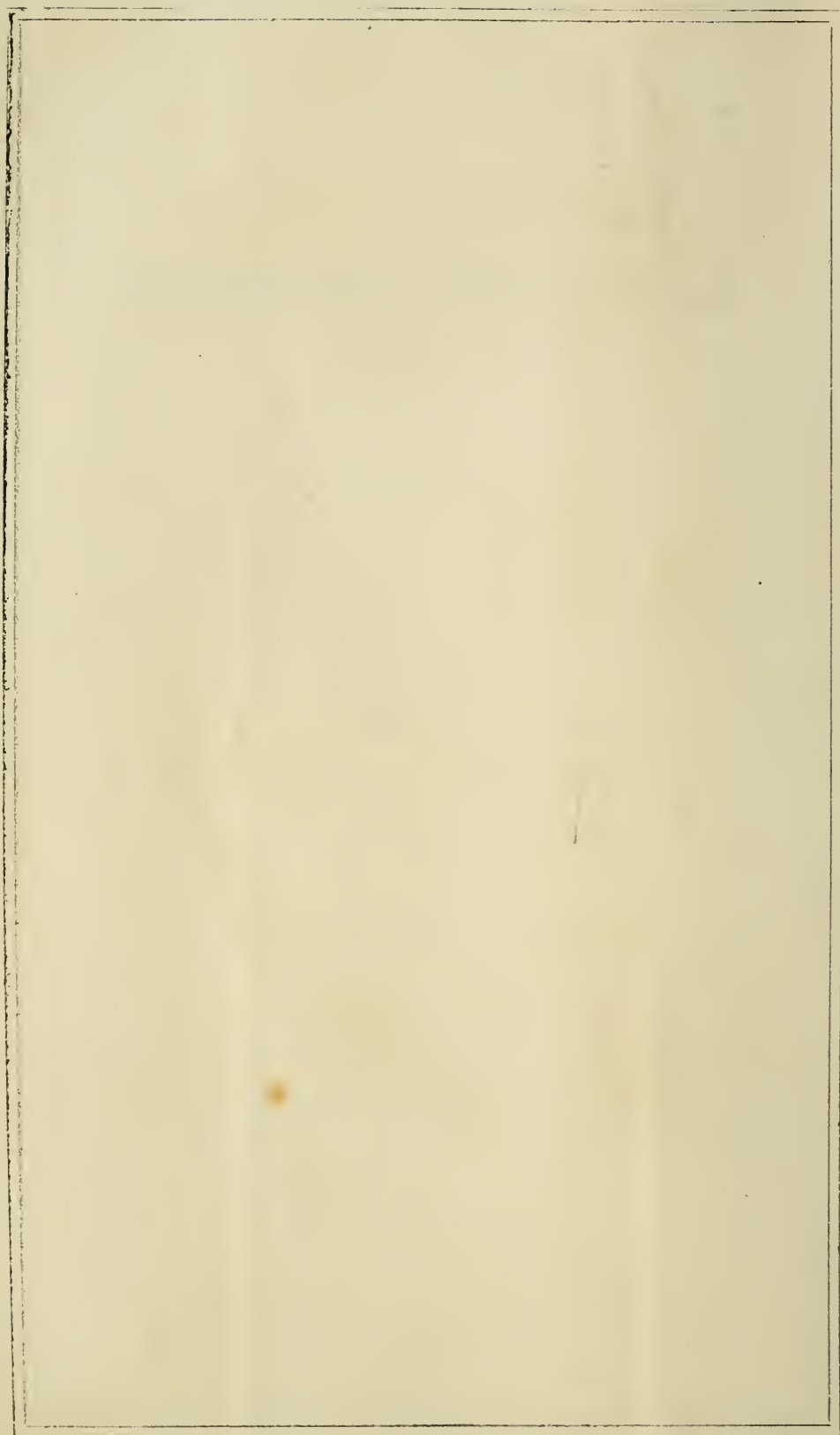
NATHAN GREEN,

ROBERT L. CARUTHERS,*

HENRY COOPER.

JAMES H. BRITTON, TREAS.

* The connection of Judge Caruthers with the School heretofore has only been honorary and advisory, but for the future it is hoped that his other engagements will allow him to spend a portion of his time in the School. The other two Professors will devote their *whole* time to the classes, without any other employment.



LAW DEPARTMENT.

STUDENTS:

Anderson, P. H.,	Lebanon, Tenn.
Anderson, John L.,	Lebanon, Tenn.
Austin, H. M.,	Gallatin, Tenn.
Baskerville, R. H.,	Castalian Springs, Tenn.
Batey, Ben., Jr.,	Smyrna, Tenn.
Bass, John M., Jr.,	Nashville, Tenn.
Bentley, H. L.,	Glade Spring, Va.
Burney, F. E.,	Cross Plains, Tenn.
Burrus, F. R.,	Murfreesboro, Tenn.
Buford, James,	Pulaski, Tenn.
Bragg, Baxton, Jr.,	Mobile, Ala.
Cade, W. A.,	Selma, Ala.
Carson, John H.,	Franklin, Tenn.
Campbell, Wm. B., Jr.,	Lebanon, Tenn.
Clements, J. C.,	Villanow, Ga.
Cooper, Addison,	Columbia, Tenn.
Conway, J. D.,	Washington, Ark.
Cooper, John S.,	Fosterville, Tenn.
Davidson, John St. Clair,	Nashville, Tenn.
Dorch, W. R.,	Camden, Tenn.
Franklin, Isaac,	Gallatin, Tenn.
Ford, Wm. B.,	Huntsville, Ala.
Garnett, J. B.,	Pembroke, Ky.
Galbreath, O. S.,	Goodlettsville, Tenn.
Goodlett, J. D.,	Memphis, Tenn.
Harrell, A. T.,	Dyersburg, Tenn.
Hopkins, S. Bunch,	Springfield, Tenn.
Hughes, Wirt,	Nashville, Tenn.
Hughes, G. T.,	Turnersville, Tenn.
Hart, Wm. M.,	Springfield, Tenn.
Hanna, T. F.,	Pembroke, Ky.
Jordan, Leland,	Murfreesboro, Tenn.

Johnson, B. D.,	Clarksville, Tenn.
Johnson, Polk G.,	Clarksville, Tenn.
Linck, J. W.,	Nashville, Tenn.
Lowe, T. C.,	Salisbury, Tenn.
Lightfoot, H. W.,	Courtland, Ala.
Mitchell, J. B.,	Glenville, Ala.,
Manlove, F. J.,	Mountain City, Texas.
Morrow, T. J.,	Princeton, Ky.
Matthews, John E.,	Murfreesboro, Tenn.
Montgomery, James,	Gallatin, Tenn.
Owen, John H.,	Nashville, Tenn.
Powell, Wm. A.,	Johnson's Grove, Tenn.
Park, James D.,	Franklin, Tenn.
Pilcher, J. S.,	French Camp, Miss.
Peyton, Balie,	Lebanon, Tenn.
Ridley, G. S.,	Smyrna, Tenn.
Richardson, Samuel H.,	Bowling Green, Ky.
Rousseau, J. L.,	Henderson, Ky.
Reeves, J. Ed.,	Jonesboro, Tenn.
Reeves, E. Clay,	Jonesboro, Tenn.
Read, Ed. J., Jr.,	Brownsville, Tenn.
Roberts, R. C.,	Nashville, Tenn.
Sneed, Daniel W.,	Brentwood, Tenn.
Stewart, A. C.,	Lebanon, Tenn.
Short, U. F.,	Horn Lake, Miss.
✓ Stephens, Albert M.,	Jackson, Tenn.
Stephens, Wm. D.,	Jackson, Tenn.
Stokes, James F.,	Lebanon, Tenn.
Story, J. W.,	Sparta, Tenn.
Tomkins, James S.,	Gallatin, Tenn.
Taliaferro, Wm. G.,	Brownsville, Tenn.
Thornburgh, George M.,	Smithville, Ark.
Usher, F. C.,	Houston, Texas.
Walthall, J.,	Marion, Ala.
White, James S.,	Lebanon, Tenn.
Webster, W. J.,	Columbia, Tenn.
Webster, H. P.,	Columbia, Tenn.
Wheeler, James J.,	Hopkinsville, Ky.
Youree, John R.,	Gallatin, Tenn.
Number of Students,	71.

Graduates, February, 1868.

Bragg, Braxton, Jr.,	Mobile, Ala.
Garnett, J. E.,	Pembroke, Ky.
Hart, Wm. M.,	Springfield, Tenn.
Hanna, T. F.,	Pembroke, Ky.
Johnson, Polk G.,	Clarksville, Tenn.
Lowe, T. C.,	Salisbury, Tenn.
Montgomery, James,	Gallatin, Tenn.
Richardson, Samuel,	Bowling Green, Ky.
Roberts, R. C.,	Nashville, Tenn.
Stokes, James F.,	Lebanon, Tenn.
Story, J. W.,	Sparta, Tenn.
*Walthall, John,	Marion, Ala.
White, James S.,	Lebanon, Tenn.

Graduates June, 1868.

Anderson, John L.,	Lebanon, Tenn.
Austin, H. M.,	Gallatin, Tenn.
Bass, John M., Jr.,	Nashville, Tenn.
Hopkins, S. Bunch,	Springfield, Tenn.
Hughes, Wirt,	Nashville, Tenn.
*Matthews, John E.,	Murfreesboro, Tenn.
Park, James D.,	Franklin, Tenn.
Peyton, Bailie,	Lebanon, Tenn.
Ridley, G. S.,	Smyrna, Tenn.
Stewart, A. C.,	Lebanon, Tenn.
Youree, John R.,	Gallatin, Tenn.
Number of Graduates,	24

*Valedictorian.

PLAN OF INSTRUCTION.

It is only by exerting the energies of his own mind that a student can qualify himself for the bar. Any plan which would propose to make a lawyer of him without his doing the hard work for himself, would be idle and visionary. The virtue of any plan of instruction must consist of two things:

1. That it cause the student to work, or, in other words to study *diligently*.
2. That it so *guide and direct his work*, as in the best way, and shortest time, to qualify him to practice law.

First: It must be such a plan as is best calculated to make him study.

Our plan is, to give him a lesson every day, and examine him on next day from one to three hours. He has to answer questions in the presence of the whole class. If he has any spirit in him—any pride of character—any sense of shame—this will insure the closest application of which he is capable; for indolence is sure to sink him to a degraded position in his class.

There are only two other plans of getting a legal education. One is the old plan of studying in lawyers' offices; the other is the Law School plan of teaching by lectures. Neither of these has any thing in it to secure application. The student is brought to no daily examination to test his proficiency. There is not the presence of a large class in which he has to take rank either high or low. All that is calculated to stimulate him to constant, laborious application, is wanting in both these plans.

Secondly: The plan should not only be calculated to make a student work, but it ought to so guide and direct him as to make him work to the greatest advantage.

A man may work very hard, but still so unwisely, that he will accomplish no valuable object. It is equally so with the farmer, the mechanic, and the law student. The student ought to have such a course of study assigned him, and be conducted through it in such a way as that he will understand at the end of his pupilage the greatest amount of pure, ing, American law, and will know best how to apply it in practice. So brief is the period that they can be induced to spend in preparation for the bar that it requires a very careful selection of text-books, and a careful supervision of their studies, to make their labors profitable. We have made our course American. Important as it is to trace the history of the law from its original sources,

through all its mutations, it is not the appropriate work of the very short term which is, in our country, employed in preparation for license.

To direct their minds to what is most important in the text-books; to teach them what is, and what is not settled; to correct the errors into which they may fall; to dispel the darkness that hangs upon many passages—this is necessary every day, and at every step of their progress. The law is a vast science, and a very difficult one, and the student needs every possible facility to enable him, by the most arduous labor, to comprehend its leading elementary principles in fifteen months.

But this is not all he has to do. He has to learn how to apply these principles in practice. This is the *art* of his profession, and he can only learn it by practice. It is as necessary a preparation for assuming the responsibilities of a lawyer as the learning of the science. If he learns it at the bar, it is at the expense of his client. If he learns it in the School, it is at his own expense.

Moot Courts.

The exercises in these Courts do not consist in merely debating questions of law, but cases are announced in various forms to each student, on which he is to bring a suit, and another is appointed to defend it. There is a regular clerk and sheriff; the students, however, perform the duties of these officers in their own cases. The plaintiff's attorney gives his prosecution bond, issues his writ with the name of the clerk signed to it, makes the proper returns on it in the name of the sheriff, files his declaration, and keeps his own docket, besides having the case entered on the clerk's docket. He then hands his papers to the defendant's attorney, who examines them, and moves to dismiss the suit, or pleads in abatement, or demurs, or pleads in chief. If he fails to make defence in proper time, the plaintiff takes judgment by default against him. If the plaintiff fails to reply, or at any time takes the necessary step to prosecute the suit, he is *non prossed* by the defendant.

When the case is ready for trial, a jury of the students is empannelled, the cause is regularly submitted to them, the evidence on each side is introduced, the cause argued, the jury is charged by the court, and render their verdict. Judgment is rendered, and execution issues. On these executions, returns are directed to be made in some cases that will subject the sheriff to summary judgment, and the plaintiff is required to move against him and his sureties, and adduce the official bond and the other evidence that may be necessary to sustain the motion, and then to enter the judgment on his minutes. In other cases, delivery bonds are given; in others, indemnity bonds; in others, one of the parties die; and in fine, the various cases are so directed as to involve all the varieties of practice that arise on executions.

In other cases, motions for new trial are made and overruled, and an appeal taken to the Supreme Court, an appeal-bond given, a bill of exceptions

filed, and the record regularly transferred to that court, where the judgment is affirmed, or reversed and remanded for a new trial.

Equity cases are in like manner announced, and suits commenced and carried through all the processes known to the Chancery Court, such as references to the Clerk and Master, final and interlocutory decrees, and appeals to the Supreme Court.

In some cases, suits are commenced before Justices of the Peace, and brought into the Circuit Court by appeal or *certiorari*, and tried there.

Sometimes a regular *Venire Facias* is returned as from the County Court—a grand jury organized and charged by the Court, State cases given to the students, in which they act as Attorneys-General, prepare indictments, have them regularly passed upon by the grand jury, and carry them through all the processes of a criminal prosecution—an advocate being always appointed to defend.

Cases are so framed as to put the student under the necessity of preparing the various kinds of instruments that are used in the transactions of men. Letters of administration, wills with proper certificates of probate, deeds duly proved and registered, promissory notes, marriage licenses, etc., etc. He is obliged to introduce them as evidence to sustain his suit or defence.

A Moot Court is held at the close of each collegiate year in public, which excites great interest among the students, and greatly attracts the community.

The advantage of this Moot Court system is that it not only indoctrinates a student in the elementary principles of law involved in his cases, but also in the law of remedies. It trains him also to the discussion of facts, and to the exercise of that tact which is so important in real practice.

It may be objected that the course of practice, being according to the Tennessee law, is too local to be of very great benefit to students intending to locate out of this State. To this it may be answered that it is obliged to be conducted according to the law of some State, and it had better be that with which the Professors are best acquainted. Tennessee occupies at present a middle ground between those States that have abolished the common law system of remedies and those that have essentially adhered to it. The student who becomes acquainted with her mingled system will be prepared to accommodate himself very readily to the rules of practice in any other State. There is a stronger analogy between the laws of Tennessee and any other State in the Union, than between the laws of England and any other State. American constitutions, statutes, and usages, have established a jurisprudence which, however variously modified in the different States, is nevertheless stamped everywhere with kindred American features. Such, for instance, is the law of descents, the law of conveyancing, and their court systems. Their processes to bring the parties before the court, to obtain testimony, to try the case, and to carry the judgment or decree into execution, are analogous. The principal difference is in the modes of judicial allegation, some adhering to the forms of common law, and some adopting statements at large. As it

is necessary for the student to understand some system, it had better be a medial American system. The practice is similar in all the States. A lawyer who understands the practice of one State can accommodate himself to that of another as easily as the mechanic, who understands his profession, can accommodate himself to the ever changing styles and fashions in his art. Students in all the classes are drilled in Moot Court practice.

COURSE OF STUDY.

JUNIOR CLASS.

REGULAR COURSE.

Caruthers' History of a Law Suit.
Walker's American Law.
Stephens' Pleading.
Kent's Commentaries.

PARALLEL COURSE.

Blackstone's Commentaries.
Reeves' History of the English Law.
Bingham on Infancy.
Smith on Contracts.
Tidd's Practice; Byles on Bills.

MIDDLE CLASS.

Story on Bailments.
Story's Equity Jurisprudence.
Story's Equity Pleading.
Greenleaf's Evidence.
Bishop's Criminal Law.

Adams' Equity; Gresley's Equity Evidence; Sugden on Vendors; Daniell's Chancery Practice; Cooper's Equity Pleading; Hoffman's Chancery Practice; Wharton's Criminal Law.

SENIOR CLASS.

Parsons on Contracts.
Washburn on Real Property.
Angell and Ames on Corporations.
Redfield on Wills.

Parsons on Maritime Law; Colyer on Partnership; Angell on Limitations. Jarmon on Wills; Leigh's Nisi Prius. Williams on Executors; Greenleaf's Cruise's Digest; Hilliard on Vendors.
Sugden on Powers; Brown on the Statute of Frauds; Rawle on Covenants for Title.

This course is very imperfect; but it is necessarily so. The question with us has been whether the very short time the student devotes to preparation had better be spent in studying those venerable English authors who present the law as it *was*, or the American authors who present it as it *is*. He must study the former before he can claim to be a learned lawyer, and he will

study them if he aspires to an elevated rank in his profession. But as the design of his scholastic course is, or ought to be, to fit him as far as possible for discharging the duties of a lawyer, we think it is best that he should first acquire a knowledge of American jurisprudence, as it now exists and exerts a living power; and, for want of time, we are compelled to reject many books that would be important to effect this end.

The student furnishes his own books. They may be obtained in Lebanon. The books in the Junior course will cost in Lebanon,

Law Suit,.....	\$10 00
Kent, 4 volumes,	20 00
Walker's American Law,.....	6 00
Stephens on Pleading,	6 00
	<hr/>
	\$42 00

Books in the Middle Class :

Story on Bailments,.....	\$6 00
Story on Equity Jurisprudence, 2 volumes,.....	12 50
Story on Equity Pleading,	8 00
Bishop's Criminal Law, 2 volumes,.....	13 00
Greenleaf on Evidence, 2 volumes,.....	13 50
	<hr/>
	\$52 00

Books in Senior course :

Parsons on Contracts, 3 volumes,	\$20 00
Washburne on Real Property, 2 volumes,.....	15 00
Angell and Ames on Corporations,	7 00
Redfield on Wills, 2 volumes,.....	15 00
	<hr/>
	\$57 00

Five months is required to accomplish the studies of each class.

A student enters whatever class he chooses. But if he enters the Middle or Senior Class, with a view to graduation, he must first be examined on his previous reading.

No previous professional reading or literary qualification is required for admission.

Sessions and Expenses.

The Fall Session commences the first Monday in September, and ends on the last Thursday in January.

The Spring Session begins first Monday in February, and ends last Thursday in June.

Tuition per session \$50. A proportional deduction made when a student enters the Junior or Middle Class at an advanced period of the session; but no deduction will be made when a student enters the Senior Class.

Students cannot enter at the beginning of the session for a fractional part; but must pay from the time they enter to the end of the session. Contingent fee, \$5. No separate Library fee required. These fees must invariably be paid in advance. No part of the fee will be refunded on any account. Boarding from \$2 50 to \$5 per week.

Intemperance and Gaming.

No student is allowed to drink any intoxicating liquors. The penalty for a violation of this law is immediate dismissal. Gaming is strictly prohibited; and the severest penalties inflicted upon any student found guilty.

CALENDAR.

FOR ALL DEPARTMENTS.

FIRST SESSION OPENS FIRST MONDAY IN SEPTEMBER; CLOSES
LAST THURSDAY IN JANUARY.

SECOND SESSION OPENS FIRST MONDAY IN FEBRUARY; CLOSES
LAST THURSDAY IN JUNE.

SUMMARY.

Number of Students, Collegiate,.....	204
Special in Theology,.....	2
Special in Modern Languages,.....	12
Special—J. D. Stewart's Department,.....	40
Law Department,	71
	<hr/>
	329

